

Interview Summary

Application No.

08/238,080

Applicant(s)

Collins et al.

Examiner

Dianne Rees

Group Art Unit

1807



All participants (applicant, applicant's representative, PTO personnel):

(1) Dianne Rees

(3) # 18

(2) Norvall Galoway

(4) _____

Date of Interview Apr 30, 1997

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: all pending

Identification of prior art discussed:

Vary

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Discussed that applicant's proposed amendments to claims 53 and 54 and proposed new claims would be allowable.

Discussed references of Magiapan and Leven which demonstrates a recognition in 1997 that Applicant's invention provides an improvement in PCR amplification. The Examiner, however, felt that this reference does not demonstrate the nonobvious of the claimed invention since references prior to 1997 had also previously recognized that the invention provided increased sensitivity, such as the patent of Urdea. Applicant's counsel argued that even these references appeared after the filing date of Applicant. The Examiner maintained that the invention, while offering an improvement over techniques of PCR amplification represented an obvious one in view of the combination of Vary, Henson (and Rabani) and that an invention need not be explicitly disclosed for a rejection under 35 USC 103.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.